

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TYRISS PENN,

Defendant.

8:15CR76

ORDER

This matter is before the Court on the Defendant's *pro se* "Motion to Appoint Counsel," ECF No. 78. He asserts that he is entitled to post-conviction relief based on the recent decision of the United States Supreme Court in *Sessions v. Dimaya*, 138 S. Ct. 1204 (2018). In the alternative, the Defendant requests that the Court send to him a form that he may use to submit a *pro se* petition for relief under 28 U.S.C. § 2255. The record reflects that the Office of the Clerk sent such form to the Defendant upon receipt of his Motion, and the Court will conduct an initial review of the Defendant's petition under 28 U.S.C. § 2255 when filed. Accordingly,

IT IS ORDERED:

1. The Defendant's Motion to Appoint Counsel, ECF No. 78, is denied, and
2. The Clerk will mail a copy of this Order to the Defendant at his last known address.

Dated this 16th day of May, 2018.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge